

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Angie Berger,

Complainant,

vs.

John Cashmore and Richard Novack,

Respondents.

**ORDER JOINING COMPLAINTS
AND NOTICE OF ASSIGNMENT
OF PANEL**

TO: Parties on the attached service list.

Procedural History

On October 2, 2012, Angie Berger filed a Campaign Complaint with the Office of Administrative Hearings alleging that John Cashmore violated Minn. Stat. § 211B.06, in connection with campaign material that was sent to voters in Minnesota House of Representatives District 49A. By Order dated October 5, 2012, Administrative Law Judge James E. LaFave found the Complaint alleged sufficient facts to support finding a *prima facie* violation of Minn. Stat. § 211B.06.

On October 16, 2012, following a probable cause hearing, Administrative Law Judge LaFave issued an Order finding that the Complainant had shown probable cause to believe Respondent John Cashmore violated Minn. Stat. § 211B.06 with respect to the distribution of false campaign material concerning the personal or political charter of candidate Bill Glahn.

On October 18, 2012, Angie Berger filed another Campaign Complaint alleging that Richard Novack violated Minn. Stat. § 211B.06, in connection with campaign material that was sent to voters in Minnesota House of Representatives District 49A. By Order dated September 28, 2012, Administrative Law Judge James E. LaFave determined that the Complaint alleged sufficient facts to support finding *prima facie* violations of Minn. Stat. 211B.06.

Following a probable cause hearing, Administrative Law Judge LaFave determined that the Complainant established probable cause to believe that Richard Novack violated Minn. Stat. § 211B.06 with respect to the preparation and distribution of false campaign material concerning the personal or political charter of candidate Bill Glahn.

Consolidation of Complaints

Pursuant to Minn. Stat. § 211B.33, subd. 4, the Chief Administrative Law Judge may direct that two or more complaints be joined for disposition if the allegations in each complaint are of the same or similar character, or are based on the same act or failure to act. After reviewing Ms. Berger's complaints, the Chief Administrative Law Judge has determined that the allegations set forth in the complaints are of the same or similar character, and based on the same acts.

THEREFORE, IT IS HEREBY ORDERED that the Complaints filed by Angie Berger against the above-named Respondents be joined for disposition. The Complaints are consolidated into OAH Docket No. 0320-30073.

Appointment of Panel

NOTICE IS HEREBY GIVEN that this consolidated matter has been assigned to a panel of three Administrative Law Judges for an evidentiary hearing. The assigned Administrative Law Judges are: James E. LaFave (Presiding Judge), Ann C. O'Reilly and Timothy J. O'Malley. The Office of Administrative Hearings is located at 600 North Robert Street, in St. Paul. All mail to the Office should be addressed to: Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-06120. The Administrative Law Judges may be reached at 651-361-7900. The Office's fax number is 651-361-7936.

Summary Disposition Motion

On November 12, 2012, Respondent Cashmore filed a motion for summary disposition.

IT IS HEREBY ORDERED, that Complainant, Angie Berger, shall file a response to the motion by **4:30 p.m. on Monday November 26, 2012**. The Complainant shall provide three copies of her response to Presiding Judge James E. LaFave.

The Panel will consider the Motion for Summary Disposition and Dismissal of the Complaint. Should the Panel deny Respondent's Motion for Summary Disposition and Dismissal of the Complaint, a prehearing conference will be scheduled to discuss possible dates for an evidentiary hearing and other preliminary matters.

Dated: November 14, 2012

s/Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

cc: Administrative Law Judge James E. LaFave
Administrative Law Judge Ann C. O'Reilly
Administrative Law Judge Timothy J. O'Malley
Diane Nordstrom, Docket Clerk